

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-11771 of 2016 (O&M)
Date of Decision: 05.04.2016

Kashmir Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Ms. Deipa Asdhir Dubey, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

The present petition has been filed under Section 438 Cr.P.C seeking the concession of pre-arrest bail to the petitioner in case F.I.R. No.6 dated 12.1.2016 under sections 420, 465, 467, 468, 471, 506, 120-B I.P.C, registered at Police Station, Mamdot, District Ferozepur.

Counsel for the petitioner would vehemently contend that the petitioner is not the beneficiary of the transaction and the role limited is being a marginal witness to the agreement to sell.

Having heard learned counsel for the petitioner and having perused the pleadings on record, this Court is not inclined to extend to the petitioner the concession of pre-arrest bail.

It may be briefly noticed that the F.I.R in question came to be registered on the statement of Nirmal Kaur. Allegations pertain to land belonging to the share of her husband namely Sardar Singh, who is stated to have expired on 26.4.2011 having been taken on the strength of forged agreement to sell. Allegations are that during life time Sardar Singh (since deceased) had never entered into any agreement to sell and co-accused Karamjit Singh had executed sale deed of the land in question in his favour after the death of her husband.

Apparently, the allegations are of conspiracy and connivance of all the accused including the present petitioner.

During the course of hearing today even the order dated 29.3.2016, passed by this Court in CRM No. M-8100 of 2016 declining the concession of anticipatory bail to other co-accused namely Raj Singh @ Raju Singh and Karamjit Singh has been adverted to and in which it was noticed that possession of land in question is with Raj Singh @ Raju Singh and it was conceded during the course of hearing of that petition that during life time of Sardar Singh he himself was in exclusive possession and as such, no justification had come forth to explain how Raj Singh @ Raju Singh, petitioner no.1 therein had come into possession of the land during the life time of Sardar Singh.

In view of such allegations, this Court does not find any infirmity in the order dated 26.2.2016, passed by the learned Additional Sessions Judge, Ferozepur declining the concession of anticipatory bail to the petitioner.

Petition, accordingly, is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

05.04.2016

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